IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No.04-37 (Erie)
	)	
GERALD C. DEIMEL	)	

GOVERNMENT'S INFORMATION IN AID OF SENTENCING

AND NOW comes the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and James R. Wilson, Assistant United States Attorney in and for said District and respectfully submits the following information in aid of sentencing:

1) Counsel for the government has attached hereto a report by Norman Jackson, Supervisory Investigator, United States Department of Labor, Employee Benefits Security Administration, which sets forth allegations of the defendant's execution of another fraud scheme involving health care insurance that resulted in a loss to victims in an amount in excess of $350,000. Mr. Jackson will be present and available to testify at the time of sentencing on Wednesday October 26, 2005.

2) As previously indicated in the government's request to continue the sentencing hearing, the United States does not maintain that this information is relevant conduct as that term is construed under the regimen of the United States Sentencing Guidelines at Section 1B1.3. Rather, the Court should be aware of this activity for two reasons. The first

potential use of this information is to serve as the basis for a decision to depart upward from the Guideline Range pursuant to Section 5K2.0 of the Sentencing Guidelines. The second potential use of this information is to inform the Court's decision in terms of where within the Guidelines Range the Court finds the appropriate sentence.

3) A copy of this same report was faxed to counsel for the defendant at 11:15 am, Monday, October 24, 2005.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

By: ______________________________
JAMES R. WILSON
Assistant U. S. Attorney
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